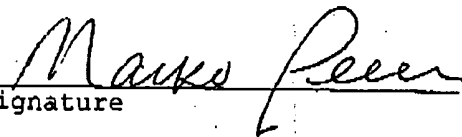


CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile  
transmitted to Margarit Stevens at 571 273 0553 on the date  
shown below:

Maiko S. Price

Name



Signature

April, 2004

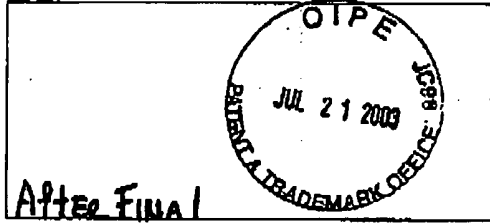
Date

APPLICATION/PATENT NO: 09/763,415  
 DOCKET NO: Fish 4

CONF. NO.: 9137  
 CLIENT CODE: CDH

THE PATENT AND TRADEMARK OFFICE STAMP  
 HEREON ACKNOWLEDGES RECEIPT OF THE  
 FOLLOWING PAPERS:

- ☒ FEES \$ 110.00  
☒ USPTO FORM 2038 ☐ (CH. # \_\_\_\_\_)  
☒ EXTENSION OF TIME ( 1 MONTHS)  
☒ TRANSMITTAL LETTER  
☐ MISSING PARTS RESPONSE WITH DECL  
☒ AMENDMENT RESPONSE (circle one)  
☐ PRELIMINARY ☐ SUPPLEMENTAL  
☐ APPLICATION DATA SHEET  
☐ RESTRICTION/ELECTION REPLY.  
☐ SEQUENCE LISTING ☐ WITH DISK  
☐ RCE / CPA TRANSMITTAL (circle one)  
☐ NOTICE OF APPEAL  
☐ APPEAL BRIEF (TRIPPLICATE)  
☐ REPLY BRIEF (TRIPPLICATE)  
☐ OTHER \_\_\_\_\_



- ☐ ASSIGNMENT  
☐ INFORMATION DISCLOSURE STATEMENT  
☐ FORM SB08A & \_\_\_\_\_ PATENTS/PUBS  
☐ PRIORITY DOCUMENT(S) NO. \_\_\_\_\_  
☐ DECLARATION UNDER § \_\_\_\_\_  
☐ LETTER TO DRAFTSMAN  
☐ \_\_\_\_\_ SHEETS OF DRAWINGS  
☐ ISSUE FEE TRANSMITTAL FORM  
☐ MAINTENANCE FEE LETTER

B&N-1

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**TELEFAX CONTROL SHEET**

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TELECOPIER FACSIMILE  
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(202) 393-1012

E-MAIL  
mail@browdyneimark.com

*Copies of #4, 15*

**SENT TO:** Margarit Stevens \_\_\_\_\_

**DATE SENT:** April 1, 2004 \_\_\_\_\_

**SUBJECT:** FISH=4 \_\_\_\_\_

**No. of pages (including this cover sheet):** 13 \_\_\_\_\_

**FROM:** Anne M. Kornbau \_\_\_\_\_

**Remarks:**

Ms. Stevens,

Attached are copies of Request to Vacate Notice of Abandonment,  
RCE, Request for Refund and Certificate of Facsimile Transmission.

Sincerely,

Anne M. Kornbau

**CONFIDENTIALITY NOTE**

This confidential facsimile message is intended only for the individual entity named above, and may contain information that is privileged and exempt from disclosure under applicable law. If you, the reader of this message, are not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that you should not copy this facsimile or distribute it to anyone other than the intended recipient. In addition, if you have received this telecopy in error, please immediately notify us by telephone or telefax and return the original message to us at the address above via the United States Postal Service. Finally, if it would not inconvenience you, we would appreciate it if you would first relay this message to the intended recipient. Thank you.

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no. 202-737-3528 or by e-mail at mail@browdyneimark.com, or call our voice  
telephone no. 202-628-5197.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: FALK FISH

Application No.: 09/763,416

Filed: May 18, 2001

For: METHOD AND KIT FOR THE DETERMINATION OF...

Confirmation No.: 9137

Art Unit: 1845

Examiner: J. Hines

Washington, D.C.

Atty.'s Docket: FISH-4

Date: September 30, 2003

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Customer Window, Mail Stop:  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

Transmitted herewith is a [XX] REQUEST TO VACATE NOTICE OF ABANDONMENT in the above-identified application.

- [ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
[ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.  
[XX] No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	0
INDEP.	*	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 42	\$
+ 140	\$
ADDITIONAL FEE TOTAL	
\$	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 84	\$
+ 280	\$
TOTAL	
\$	

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

- [ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity  
Response Filed Within  
[ ] First - \$ 55.00  
[ ] Second - \$ 205.00  
[ ] Third - \$ 465.00  
[ ] Fourth - \$ 725.00  
Month After Time Period Set

Other Than Small Entity  
Response Filed Within  
[ ] First - \$ 110.00  
[ ] Second - \$ 410.00  
[ ] Third - \$ 930.00  
[ ] Fourth - \$ 1460.00  
Month After Time Period Set


[ ] Less fees (\$ ) already paid for month(s) extension of time on

- [ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ .  
[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ .  
[ ] A check in the amount of \$ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.18 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

Attorneys for Applicant(s)

By:   
Shariann Neimark  
Registration No. 20,620

Facsimile: (202) 737-3325  
Telephone: (202) 628-6197

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: FISH=4

In re Application of:	)	Art Unit: 1645
Falk, FISH	)	Examiner: J. Hines
Appln. No.: 09/763,415	)	Washington, D.C.
Filed: May 16, 2001	)	Confirmation No. 9137
For: METHOD AND KIT FOR THE	)	September 22, 2003
DETERMINATION OF...	)	

## REPLY: REQUEST FOR REFUND

Customer Window, Mail Stop NO FEE  
Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

The undersigned hereby requests a credit to Deposit Account 02-4035 for the second and third month extensions of time, in the amount of \$820.00, as well as an extension of the patent term for two months, in connection with the above-identified application. This request is being made because of PTO errors in processing the latest amendment filed.

An amendment with a request for one-month extension of time was filed July 21, 2003. The cover sheet for this amendment included a paragraph, which was checked, that reads, "The Commissioner is hereby authorized and requested to charge

Appl. No. 09/763,415  
Reply dated September 22, 2003  
Page 2 of 2

any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.17."

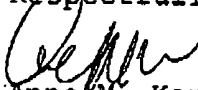
On August 19, 2003, the undersigned telephone Examiner Hines to inquire about the status of the application. Examiner Haines stated that the amendment filed July 21, 2003, was not in the case. Accordingly, a copy of the amendment and a copy of the date-stamped postcard as evidence of filing the amendment were sent to Examiner Hines by facsimile.

On September 17, 2003, the undersigned telephoned Examiner Hines to inquire about the disposition of the application. Examiner Hines informed the undersigned that she had prepared an Advisory Action, but the clerk of the group told Examiner Hines that the application had been abandoned for failure to pay an additional extension fee.

Appln. No. 09/763,415  
Reply dated September 22, 2003  
Page 3 of 3

It is respectfully requested that the extension of time fees be credited to Deposit Account No. 02-4035 and that a two-month extension be granted for the patent term because of PTO clerical errors.

Respectfully submitted,



Anne M. Kornbau  
Registration No. 25,884

AMK:zv  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\BN\C\cohn\fish4\pto\RequestforRefund228EPT03.doc

## Confirmation Report - Memory Send

Time : Aug-19-2003 11:11am  
 Tel line :  
 Name :

Job number : 512  
 Date : Aug-19 11:07am  
 To : 7033084242  
 Document pages : 014  
 Start time : Aug-19 11:07am  
 End time : Aug-19 11:11am  
 Pages sent : 014  
 Status 1 : OK

Job number : 512

\*\*\* SEND SUCCESSFUL \*\*\*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: FISH 4

In re Application of:	)	Art Unit: 1645
Folk FISH	)	Examiner: J.A. HINES
Serial No.: 09/763,425	)	Confirmation No. 9137
Filed: May 16, 2001	)	Washington D.C.
For: METHOD AND KIT FOR THE	)	August 19, 2003
DETERMINATION OF...	)	

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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to Bookending Staff at 703-308-4242 on the date shown below.

Nikola Permenter  
 Name

Nikola Permenter  
 Signature

AUGUST 19, 2003  
 Date

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

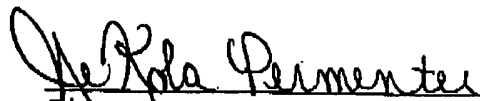
ATTY.'S DOCKET: FISH 4

In re Application of:	)	Art Unit: 1645
Falk FISH	)	Examiner: J.A. HINES
Serial No.: 09/763,415	)	Confirmation No. 9137
Filed: May 16, 2001	)	Washington D.C.
For: METHOD AND KIT FOR THE	)	August 19, 2003
DETERMINATION OF...	)	

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to Docketing Staff at 703-308-4242 on the date shown below.

NeKola Permenter  
Name

  
Signature

August 19, 2003  
Date

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